

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

UNITED STATES OF AMERICA

PLAINTIFF/RESPONDENT

v. Criminal No. 98-20014-001

GERMAN B. MIRANDA

DEFENDANT/PETITIONER

ORDER

NOW on this 15th day of April 2009, comes on for consideration the Magistrate Judge's Report and Recommendation (document #105), filed on February 27, 2009, and the petitioner's Objections to the Magistrate Judge's Report and Recommendations Pursuant to 28 U.S.C. § 636(b)(1) (document #106), and the Court, being well and sufficiently advised, finds that petitioner's objections offer neither law nor fact requiring departure from the Report and Recommendation and the same should be, and it hereby is, adopted *in toto*.

IT IS THEREFORE ORDERED that the **Magistrate Judge's Report And Recommendation** is adopted *in toto*. Accordingly, the **Petition for Writ of Error of Audita Querela Pursuant to All Writ Act, 28 U.S.C. § 1951** (document #100) is **dismissed with prejudice**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE